

The Flinn Report

Illinois

Regulation

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700 Stratton Bldg., Springfield IL 62706

Joint Committee on Administrative Rules

Illinois General Assembly

217/785-2254

www.ilga.gov/commission/jcar

VOL. 32

April 4, 2008

Issue 14

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation is designed to inform and involve the public in changes taking place in agency administration.

New Regulations

SPECIAL EDUCATION

The STATE BOARD OF EDUCATION adopted amendments to "Special Education" (23 Ill Adm Code 226; 31 Ill Reg 15973), effective 3/21/08, incorporating technical changes required by recent legislation. The rulemaking requires that the process of developing an Individualized Education Program (IEP) for a student with autism or an autism spectrum disability include factors added to Section 14-8.02(b) of the School Code under Public Act 95-257. These factors, as specified in the Act, include the child's verbal and nonverbal communication needs, social interaction skills, unusual responses to sensory experiences (i.e. light, sound, or touch), resistance to environmental change or change in daily routines, engagement in repetitive activities or movements, positive intervention strategies which may be needed to deal with behavioral problems, and other needs that impact the child's academic performance or social or emotional development. Also, a request to substitute a hearing officer at a due process hearing must be postmarked or transmitted to SBE via facsimile no later than five days after the party requesting the substitution has been notified by SBE of the origi-

nal hearing officer's appointment. Finally, the rulemaking allows students with disabilities who are age 17 or older, and who have not been judged incompetent to handle their own affairs, to execute a delegation of rights form designating their parents or another adult to make educational decisions for them under an IEP after they reach age 18. This change is a result of Public Act 95-372, which also requires such forms to be renewed annually and allows the student to revoke the action at any time.

TEACHER DISMISSAL

SBE adopted an amendment to "Dismissal of Tenured Teachers Under Article 24 and Dismissal of Tenured Teachers and Principals Under Article 34 of the School Code" (23 Ill Adm Code 51; 31 Ill Reg 15969), effective 3/21/08, exempting certain teachers in the Chicago Public Schools from the provisions of the Part. Under Public Act 95-510, a separate agreement between the school board and the Chicago teachers' union permits an alternative evaluation plan, as well as separate rules governing dismissal of affected teachers, to be used in certain specified schools.

(cont'd next page)

Proposed Regulations

SCHOOL FOOD SERVICE

The STATE BOARD OF EDUCATION proposed amendments for "School Food Service" (23 Ill Adm Code 305; 32 Ill Reg 4692) implementing the regulatory directive that SBE initiate a revision to this Part when the School Wellness Policy Task Force Report recommendations regarding the State-wide nutrition requirements were released. The amendments establish separate food and beverage requirements for grades 5 and below and grades 6 through 8 for participants in the federal school meal programs (excludes high school students) beginning with the 2009-10 school year. "School day" is defined as 30 minutes before classes begin through 30 minutes after classes end each day. Some items previously allowed will now be prohibited (e.g., whole milk and smoothies in grades 5 and below) while others will now be allowed (e.g., flavored water for grades 6 through 8 and whole grain products and legumes without size restrictions). A la carte items are affected, and requirements will apply to all food sold anywhere at the school during the school day, except items that are part of the reimbursable meal. Specific requirements are set out in appendices. Also, SBE will notify participating schools when beverages are exempted from the federal Department of Agriculture (USDA) list of foods with minimal nutritional value within 10 days after receiving notification from the USDA. Those

(cont'd page 4)

NEW REGULATIONS: Rules adopted by agencies this week.

PROPOSED REGULATIONS: Rules proposed by agencies this week, commencing a 45-day First Notice period. Public comments must be accepted by the agency for the period of time indicated.

☞: Symbol designating rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS/RULE TEXT: Direct mail or phone calls to the agency personnel listed below each summary. Providing volume and issue number of The Flinn Report or the Illinois Register will expedite the process. Some agencies charge copying fees. However, copy requests do not have to be made under the Freedom of Information Act.

New Regulations

☞ TEXTBOOK LOANS

SBE also adopted an amendment to "Secular Textbook Loan" (23 Ill Adm Code 350; 31 Ill Reg 15981), effective 3/21/08, allowing communications between SBE and schools participating in the loan program to be performed electronically. The rulemaking allows SBE to transmit its list of participating vendors and eligible textbooks to schools electronically (instead of requiring password access to a website) and allows schools to notify SBE of their intent to borrow, return, or dispose of textbooks in the same manner. Non-profit organizations that operate private or charter schools may be affected.

Questions/requests for copies the 3 SBE rulemakings above: Elizabeth Hanselman (217/782-4870) for Part 226, Darren Reisberg (217/782-5270) for Part 51, Robert Wolfe (217/785-8777) for Part 350, SBE, 100 N. First St. Springfield IL 62777, 217/782-5270, e-mail: rules@isbe.net

STATE EMPLOYEE TRAVEL

The HIGHER EDUCATION TRAVEL CONTROL BOARD adopted amendments to "Higher Education Travel" (80 Ill Adm Code 2900; 31 Ill Reg 16065), effective 4/4/08, to update the Part for the first time since 1984. The rulemaking governs travel activities for trustees and employees of the Board of Higher Education, 9 State universities, the Illinois Mathematics and Science Academy, the Illinois Community College Board, the Illinois Student Assistance Commission, the State Universities Retirement System, and the University Civil Service Merit Board. The amendments also increase the Board from 6 to 11 members, with each State university, the BHE, and the ICCB appointing one member. The rulemaking states that it is not intended to replace or conflict with rules adopted by the State Travel Regulation Council that list reimbursement rates for meals, lodging, and mileage and also allowable per diem rates. Various terms and phrases are

defined, such as commuting mileage, agency head, and travel through headquarters. Regular meetings and special meetings of the Board are specified in compliance with the Open Meetings Act, and provisions are made for video conferencing and telephone participation. Six members constitute a quorum of the Board, which is empowered to promulgate travel regulations, review requested exceptions to travel regulations, and report on those exceptions to the Legislative Audit Commission. Board officers are designated and their duties detailed. Distances between destinations must be determined using odometer readings or the Illinois highway map published by the Secretary of State, with mileage in and around a city of destination also permitted to be claimed. State vehicles must be used when most economical, but rental of a vehicle while on travel status is allowed if circumstances require it. Privately owned vehicles may be used when authorized by appropriate agency personnel, but employees must have the minimum insurance required by the Illinois Vehicle Code for such vehicles. Reimbursement for parking and tolls is permitted, with fees in excess of \$10 requiring a receipt, and examples of permissible reimbursable expenses are listed. Lodging costs at an associated hotel where a conference is held are not subject to the general lodging allowance, but other restrictions apply. State employees lodging at their own controlled or owned home (including a motor home) may be reimbursed at 75% of the applicable lodging rate, with the rate paid not exceeding the mortgage or rental payment paid by the employee. A maximum monthly mortgage/rental rate schedule is specified: \$960 in Chicago; \$700 in suburban Cook, Lake, McHenry, Will, and DuPage counties; and \$550 in the 96 downstate counties. Also, exceptions to the allowable monthly mortgage or rental payment may be granted by the Board upon written request from the agency head. In addition, agencies must report quarterly expenses received from employees staying in their

own housing. A change since 1st Notice disallows use of internet mapping programs to calculate travel mileage.

Questions/requests for copies: Heather Humphrey, University of Illinois, 109 Coble Hall, MC-335, Champaign IL 61820, 217/333-1157, e-mail: hhumphry@uiuc.edu

FOOD STAMPS

The DEPARTMENT OF HUMAN SERVICES adopted amendments to "Food Stamps" (89 Ill Adm Code 121; 31 Ill Reg 13076), effective 3/18/08. The rulemaking requires all individuals receiving food stamp benefits under the same DHS case to reside together in the same household, in compliance with federal regulations. Federal food stamp program regulations (7 CFR 273(1)(a)) define a household as either an individual living alone; an individual living with others but who purchases food and prepares meals separate and apart from others; or a group of individuals who live together, purchase food, and prepare meals together. The rulemaking strikes a provision that allowed a child receiving cash assistance, but not residing with the caretaker relative full-time, to remain in the same food stamp "case" as the caretaker relative.

Questions/requests for copies: Tracie Drew, DHS, 100 S. Grand Ave. E., 3rd Fl., Springfield IL 62762, 217/785-9772.

NOISE POLLUTION

The ENVIRONMENTAL PROTECTION AGENCY repealed rules titled "Measurement Procedures for the Enforcement of 35 Ill Adm Code 900 & 901" (35 Ill Adm Code 951; 31 Ill Reg 12388) and "Measurement Procedures for the Enforcement of 35 Ill Adm Code 902" (35 Ill Adm Code 952; 31 Ill Reg 12411), both effective 3/24/08, because the sound measurement procedures set forth in these 2 Parts are obsolete and no longer used to determine compliance with Pollution Control Board standards. EPA has not had a funded noise program since

New Regulations

July 2001, and the Pollution Control Board has amended 35 Ill Adm Code 900 to update its regulations governing noise standards and noise measurement techniques.

Questions/requests for copies: Stephanie Flowers, Division of Legal Counsel, EPA, 1021 N. Grand Ave. E., Springfield IL 62794-9276, 217/782-5544.

INSURANCE INVESTMENTS

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted a new Part titled "Custody Agreements" (50 Ill Adm Code 807; 31 Ill Reg 12264), effective 3/20/08, to prescribe standards for financial institutions that serve as custodians of investment securities for insurance companies. The rulemaking is based on model regulations of the National Association of Insurance Commissioners (NAIC). The Part requires a custodian to be a national or state bank or trust company rated at least "adequately capitalized" (a measure of financial stability) by U.S. banking regulators. Custodians must either be regulated by state banking laws or belong to the Federal Reserve System and also be legally qualified to accept custody of securities. Custody agreements between custodians and insurance companies must be in writing and must be authorized by the board of directors of the insurance company or a committee authorized by that board. These agreements must include the following provisions: security certificates covered by the agreement must be held separate from security certificates of the custodian or the custodian's other customers, securities held indirectly by the custodian or in a clearing corporation as defined in the Uniform Commercial Code must be identified as such on the custodian's official records, and the agreement must conform with guidelines and procedures in the "Examiner's Handbook" adopted by NAIC. If the securities held by the custodian are not located in Illinois, the insurance company's board of

directors must adopt a custodial plan and file it with the Director of DFPR. The plan must include provisions acknowledging the jurisdiction of Illinois law over the account, granting DFPR's Division of Insurance the right to review its records, and outlining the relationships between the parties involved. Changes since 1st Notice specify which edition of the NAIC Examiner's Handbook is to be followed, delete the word "substantially" from the requirement that custody agreements conform with the standards in the handbook, and incorporate required elements of the custodial plan into the rule text instead of placing them in an appendix.

HEALTH INSURANCE

DFPR also adopted amendments to "Illinois Health Insurance Portability and Accountability Standards" (50 Ill Adm Code 2025; 31 Ill Reg 15417), effective 3/24/08, to establish requirements for insurance companies to issue a "certificate of creditable coverage" that states the period of coverage under an insurance plan, including any COBRA (a federally mandated temporary insurance program after termination of employment) continuation provision and any waiting period imposed on an individual for coverage. The certificate will be issued when an individual ceases to be covered or falls under COBRA, when COBRA coverage ceases, and when a certificate is requested no later than 24 months after the cessation of regular coverage or COBRA coverage. Failure by an insurer to issue a certificate of creditable coverage or the inability of an individual to produce a certificate will not limit an individual in obtaining the benefits of the Act as long as the individual can provide reasonable proof of prior creditable coverage and named conditions are present (e.g., the individual has an urgent medical condition that requires care before the arrival of the certificate, the individual has lost a certificate and is unable to obtain another certificate). A health insurer must treat the individual as having furnished a

certificate of creditable coverage if the individual attests to the period of creditable coverage and the individual presents corroborating evidence of coverage during the period (e.g., an explanation of benefits claims, payroll stubs showing a deduction for health coverage, a health insurance identification card). Since 1st Notice, a provision defining failure to provide certification of creditable coverage as an unfair or deceptive trade practice under the Insurance Code has been deleted. Instead, the Director of DFPR's Division of Insurance is authorized to take any "appropriate regulatory action" as specified in the Insurance Code against an insurer who fails to provide such documentation.

Questions/requests for copies of the 2 DFPR rulemakings above: Lynn Shanklin (217/782-1796) for Part 807 and William R. McAndrew (217/782-4254) for Part 2025, DFPR, 320 W. Washington, 4th Fl., Springfield IL 62767-0001.

ADA GRIEVANCES

The DEPARTMENT OF NATURAL RESOURCES adopted an amendment to "Americans With Disabilities Act Grievance Procedure" (4 Ill Adm Code 1000; 32 Ill Reg 20), effective 3/19/08, updating the address of the designated coordinator responsible for coordinating efforts to comply with and carry out DNR's responsibilities under the Act and affiliated regulations.

Questions/requests for copies: Jack Price, DNR. One Natural Resources Way, Springfield IL 62702-1271, 217/782-1809.

HOSPITAL BED INVENTORY

The HEALTH FACILITIES PLANNING BOARD adopted amendments to "Narrative and Planning Policies" (77 Ill Adm Code 1100; 31 Ill Reg 16387), effective 3/18/08, to implement a provision of Public Act 95-5 that requires the Department of Public Health to update the existing bed inventory and associated bed need projections for hospitals as required by the Health

New Regulations

Facilities Planning Act. The rulemaking extends the time horizon for need projections from 5 to 10 years for specified categories of service and changes the "migration patient days" adjustment multiplier from 15% to 50% in a formula used to make bed need calculations for medical-surgical and pediatric care. (The migration adjustment takes into account patients who live in one planning area but seek medical care at a hospital in a different planning area.) Additional amendments add definitions and cover topics such as normal travel time determinations, independent travel time studies, and the increase or decrease of projected "patient days". (Patient days means the total number of days of service provided to inpatients of a facility over a 12-month period.) Since 1st Notice, Lake County has been added to a list of counties with an additional travel time factor. Those affected by this rulemaking include hospitals, long-term care facilities, end-stage renal disease facilities, ambulatory surgical treatment centers, and comprehensive physical rehabili-

tation centers.

Questions/requests for copies: Claire Burman, HFPB, 100 W. Randolph St., 6th Fl., Chicago IL 60601, 312/814/2565, e-mail: CLAIRES.BURMAN@illinois.gov

SPECIAL EDUCATION

The STATE BOARD OF EDUCATION adopted emergency amendments to "Special Education Facilities under Section 14-7.02 of the School Code" (23 Ill Adm Code 401; 32 Ill Reg 4843), effective 3/21/08, for a maximum of 150 days. A proposed rulemaking similar to this emergency is published in this week's *Illinois Register* at 32 Ill Reg 4705. SBE states that the emergency rulemaking is in response to a situation in which an out-of-state program was found to be using behavioral intervention strategies relying on pain as an intentional method of student control. Although this policy is prohibited, SBE had no procedures in place to disapprove a facility that continues to use these strategies. Therefore, these amendments clarify

that facilities must have policies prohibiting the use of these prohibited interventions when they apply for eligibility. If the facility is later found to use these procedures, SBE will place the program on nonapproved status immediately without assigning the program to some other approval status as the previous rule required. In addition to the emergency provisions noted above, the companion proposed amendments also update a cross-reference to the special education rules adopted last year. Out-of-state educational facilities in which Illinois students are placed may be affected by this rulemaking.

Questions/requests for copies/comments concerning the proposed rulemaking through 5/19/08: Elizabeth Hanselman (217/782-4870) for the emergency rulemaking and Sally Vogl (217/782-5270) for the proposed rulemaking, SBE, 100 N. First St., Springfield IL 62777, e-mail: rules@isbe.net

Proposed Regulations

affected by this rulemaking may include food vendors who desire to contract with schools.

TEACHER CERTIFICATION

SBE proposed amendments for "Certification" (23 Ill Adm Code 25; 32 Ill Reg 4591) to implement Public Act 95-592, revise certification renewal procedures and fee payment policies, eliminate obsolete provisions, streamline procedures for documenting continuing education completion, require submission of employment verification for individuals receiving a stipend under the Illinois teaching excellence program, and add Arabic to the tests of subject matter knowledge. P.A. 95-592 establishes new requirements for the renewal of the school service personnel certificate, effective 7/1/08, that are similar to those for the standard

teaching certificate. Other amendments expand evidence of teaching experience for early childhood standard certification to include teaching in a State-funded early childhood block grant program. New requirements for the provisional vocational certificate include professional development, submission of renewal requests to the regional superintendent, appeal procedures, and procedures for reinstating a certificate (valid for one year) if the individual provides evidence of completion of professional development. SBE also establishes renewal requirements for holders of multiple types of certificates. These individuals must complete the continuing professional development activities associated with the certificate the individual uses for 50% or more of the time. Outdated provisions regarding accreditation of educational units

for past years are repealed. SBE corrects a problem associated with applying for certificates and renewals in numerous sections concerning fees collected before notification that the individual was eligible. Fees will be collected after the individual is determined eligible. Also, the rulemaking specifies that test scores be valid for 10 (now 5) years. Certificate holders no longer will need to retain secondary documentation of evidence of completion of a continuing professional development activity because many providers do not furnish this evidence and the forms used to capture this information now contain all the necessary criteria.

SCHOOL SAFETY CODE

SBE proposed an amendment for "Health/Life Safety Code for Public

Proposed Regulations

Schools" (23 Ill Adm Code 180; 32 Ill Reg 4678) to respond to Public Act 95-675, which allows counties to impose a school facility occupation tax if a proposition to that effect is approved by voters. This additional funding source must be added to the school district funds that must be exhausted before fire prevention and safety funding may be used. In addition, the rulemaking eliminates a cross-reference to Part 110, Program Accounting Manual, which will be repealed in fiscal year 2009.

within a defined geographic area to which electric power can be delivered by the utility in whose service area the proposed service will be offered, the ARES provides delivery services to the utility that are reasonably comparable to those offered by the utility.

Questions/requests for copies/comments through 5/19/08: Elizabeth Rolando, Chief Clerk, ICC, 527 E. Capitol Ave., Springfield IL 62701, 217/782-7434.

SCHOOL BLOCK GRANTS

SBE also proposed an amendment for "Early Childhood Block Grant" (23 Ill Adm Code 235; 32 Ill Reg 4684) to address an unintended omission. The only types of certification currently allowed for teachers in early childhood block-grant-funded programs are initial and standard early childhood certificates. SBE states that this provision unintentionally excludes other acceptable certificates. Therefore, this proposed amendment includes those other early childhood certificates (initial alternative, master, provisional, provisional alternative, resident teacher, and visiting international teacher). Those affected by this rulemaking may include small businesses and not-for-profit corporations that provide early childhood education programs.

Questions/requests for copies/comments concerning the 4 SBE rulemakings above: Sally Vogl at the SBE address and telephone number above.

RETAIL ELECTRIC SUPPLIERS

The ILLINOIS COMMERCE COMMISSION proposed amendments to "Certification of Alternative Retail Electric Suppliers" (ARES) (83 Ill Adm Code 451; 32 Ill Reg 4479) to reflect Public Act 95-130, which struck a provision of the Public Utilities Act that required an ARES to certify annually to ICC that, if it owns facilities to transmit or distribute electricity to end-users

HEALTH CARE WORKERS

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to "Health Care Worker Background Check Code" (77 Ill Adm Code 955; 32 Ill Reg 4529) to implement Public Act 95-120, which substantially rewrites the Part and provisions of several other Public Acts from the 94th and 95th General Assemblies. The rulemaking expands required criminal background checks for healthcare workers hired after 10/1/07 to include all unlicensed employees, trainees, or students working for a healthcare employer, a long-term care facility, or a contractor or subcontractor hired by a long-term care facility. Background checks must be performed on anyone applying for or hired to fill a position that involves contact with patients or residents; access to their living quarters; or access to their financial, medical, or personal records. Fingerprint-based criminal history checks will be initiated through DPH's internet web application for the Health Care Worker Registry. Employers, staffing agencies, and educational entities must be approved by DPH for access to the registry, and DPH will approve these entities gradually on a regional basis. Entities not yet granted access to the registry must continue to use non-fingerprint-based criminal history checks. If a long-term care employer has, or believes he or she has, employees who have no access to patients/residents or their records, the employer must establish a policy defining those positions. The policy must take into account not only direct job

duties but also how the employee enters or exits the building to get to or from the normal work station. Employers must verify their workers' employment status and demographic information at least once a year and record employment and termination dates within 30 days. Failure to maintain such records constitutes a licensing violation for licensed healthcare employers and carries a fine of up to \$500 for unlicensed employers. Sexual misconduct with a person with a disability is added to the list of offenses that disqualify a person from employment. Persons applying to DPH for a waiver from disqualification based on a record of one or more non-violent offenses must document that they have completed all terms of probation and paid all fines or that they are adhering to a court-imposed payment schedule for fines or restitution. The rulemaking states that background checks are not required for persons who provide infrequent or occasional services to a healthcare provider that are not directly related to patient care (e.g., maintenance, groundskeeping, or delivering supplies) or persons for whom background checks are already required under other statutes. The rulemaking also details information that must be given to students, applicants, and employees whenever a fingerprint-based background check is required; updates employer recordkeeping requirements; reflects statutory requirements for waivers of the prohibition against employment for the disqualifying offenses and DPH review of waiver applications; and prescribes the conditions under which a rehabilitation waiver will be granted. The rulemaking also specifies requirements for "livescan" vendor contracts (the entity is capable of transmitting inkless fingerprint information to the Department of State Police) and repeals obsolete sections. Those affected by this rulemaking include health care facilities.

SURGICAL CENTERS

The DEPARTMENT OF PUBLIC HEALTH proposed an amendment to

Proposed Regulations

"Ambulatory Surgical Treatment Center Licensing Requirements" (77 Ill Adm Code 205; 32 Ill Reg 4519) to correct inaccurate cross-references to other sections and subsections of rule text within the Part.

Questions/requests for copies/comments concerning the 2 DPH rulemakings above through 5/19/08: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, e-mail: DPH.RULES@illinois.gov

INSURANCE

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION proposed amendments to "Accident and Health Reserves" (50 Ill Adm Code 2004; 52 Ill Reg 4486) to update accounting standards for the reserve funds health and accident insurers are required to keep under the Insurance Code. The rulemaking replaces the 2006 edition of the National Association of Insurance Commissioners (NAIC) Accounting Practices and Procedures Manual with the 2008 edition. It also adds definitions of "Department," "Director," and "Division" to reflect the creation of DFPR and its Division of Insurance in 2004.

Questions/requests for copies/comments through 5/19/08: Joseph Clennon, DFPR, 320 W. Washington, Springfield IL 62767-0001, 217/557-1396.

HUNTING

The DEPARTMENT OF NATURAL RESOURCES proposed amendments to "Youth Hunting Seasons" (17 Ill Adm Code 685; 32 Ill Reg 4495) clarifying that youth hunters must have completed a State-approved hunter education course or have an apprentice hunting license and allowing the use of electronic ignition muzzleloaders that will be deemed to be unloaded when the battery is removed. Youth and supervising adults may be accompanied by a non-hunting guide. The maximum number of people in a blind

is 5 (two hunting youth, two hunting adults, and a non-hunting guide). Additional amendments remove the limitation of Fort Massac State Park as a youth deer-hunting-only site and remove Snakeden Hollow State Fish and Wildlife Area as a youth waterfowl hunting area, as it is free to youth hunters every day it is open to the public. Also, both Horseshoe Lake and Union County State Fish and Wildlife Areas are expanding youth hunts to all waterfowl (currently, goose-hunting only).

DNR also proposed amendments to "Crow, Woodcock, Snipe, Rail and Teal Hunting" (17 Ill Adm Code 740; 32 Ill Reg 4505). The rulemaking opens Meeker State Habitat Area to woodcock, snipe, and rail hunting and Sand Ridge State Forest to crow hunting. The rulemaking also specifies that permits for Meeker must be obtained at Sam Parr State Park. In addition, Chauncey Marsh is named a State Natural Area, and permits for the area will be available at Red Hills State Park headquarters.

Questions/requests for copies/comments concerning the 2 DNR rulemakings above through 5/19/08: Jack Price at the DNR address and telephone number above.

INCOME TAX

The DEPARTMENT OF REVENUE proposed an amendment to "Income Tax" (86 Ill Adm Code 100, 32 Ill Reg 4574) concerning "innocent spouse" relief in cases where only one spouse is liable for errors or omissions on a joint tax return. The amendment requires DOR, only at the written request of the spouse seeking relief from liability, to notify the joint-return spouse that his/her spouse is seeking innocent spouse relief and that the joint-return spouse may submit any documentation that will assist DOR in making a decision granting relief. The notice must state that the notified spouse does not have any right to participate in the proceedings and that DOR is obligated to consider

only documentation submitted within 60 days after the notice. After the DOR determination, another notice will be sent to the joint-return spouse stating the effects of the proceedings on the joint-return spouse's liability.

Questions/requests for copies/comments through 5/19/08: Paul Caselton, DOR, Legal Services Office, 101 W. Jefferson, Springfield IL 62794, 217/524-3951.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES proposed amendments to "Pay Plan" (80 Ill Adm Code 310; 32 Ill Reg 4417) making numerous changes, including amendments to reflect the continuation of changes made for fiscal year 2008 in FY09 provisions. Eliminated job titles include youth supervisor trainee, youth supervisor II, site superintendent, revenue tax specialist trainee, and public administration intern. An obsolete definition of midpoint salary is eliminated, and the minimum rate of pay for the MS-01 grade is raised to reflect the State minimum wage as of 1/1/08. Also, an MS-40 salary range is renumbered to MS-63 to reflect its relationship to other salaries in the system. Other titles or pay grades affected by this rulemaking include: (1) engineering technician I through IV; civil engineer trainee; civil engineer I, II, and III; technical manager I; and cartographer III (assigned rates under the IDOT technical pay plan), (2) medical administrator, executive II, and office administrator III (rates included in new MS merit compensation designations), (3) senior public service administrator (one position added to Department of Human Services with an annual salary of \$132,000 and a salary increase to \$136,608 granted to the Department of Revenue's administrator of the Illinois Gaming Board), and (4) conservation/historic preservation worker (all titles moved into the MS system). Emergency, provisional, and temporary positions for the titles of bridge tender, child welfare administrative case reviewer, and maintenance equip-

Proposed Regulations

ment operator have been given MS salary ranges. Certain employees assigned to trainee positions are now included among those eligible for merit compensation performance review and potential increases in pay. Rates

that have been negotiated with bargaining units or assigned by arbitrators are accommodated, and trainee rates are listed in a separate section.

Questions/requests for copies/com-

ments through 5/19/08: Jason Doggett, DCMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, Fax 217/524-4570, e-mail: CMS.PayPlan@ Illinois.gov

Second Notices

The following rulemakings were moved to second notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's April 15, 2008 meeting in Springfield.

TEACHERS' RETIREMENT SYSTEM

"The Administration and Operation of the Teachers' Retirement System" (80 Ill Adm Code 1650) proposed 1/18/08 (32 Ill Reg 854)

"Americans With Disabilities Act Grievance Procedure" (4 Ill Adm Code 1775) proposed 1/18/08 (32 Ill Reg 847)

DEPT. OF TRANSPORTATION

"Airport Hazard Zoning" (92 Ill Adm Code 16) proposed 2/8/08 (32 Ill Reg 1880)

"Effingham County Memorial Airport Hazard Zoning Regulations" (92 Ill Adm Code 40) proposed 2/8/08 (32 Ill Reg 1907)

Repeal of "Bi-State Parks Airport Hazard Zoning Regulations" (92 Ill Adm Code 22) proposed 2/8/08 (32 Ill Reg 1888)

Repeal of "Havana Regional Airport Hazard Zoning Regulations" (92 Ill Adm Code 49) proposed 2/8/08 (32 Ill Reg 1926)

Repeal of "Logan County Airport Hazard Zoning Regulations" (92 Ill Adm Code 60) proposed 2/8/08 (32 Ill Reg 1949)

Repeal of "Macomb Municipal Airport Hazard Zoning Regulations" (92 Ill Adm Code 62) proposed 2/8/08 (32 Ill Reg 1969)

Repeal of "Morris Municipal Airport Hazard Zoning" (92 Ill Adm Code 67) proposed 2/8/08 (32 Ill Reg 1988)

Repeal of "Scott Joint-Use Airport Hazard Zoning" (92 Ill Adm Code 77) proposed 2/8/08 (32 Ill Reg 2011)

Repeal of "Southern Illinois Airport Hazard Zoning Regulations" (92 Ill Adm Code 80) proposed (32 Ill Reg 2035)

Repeal of "Taylorville Municipal Airport Hazard Zoning Regulations" (92 Ill Adm Code 86) proposed 2/8/08 (32 Ill Reg 2055)

Repeal of "Vandalia Municipal Airport Hazard Zoning Regulations" (92 Ill Adm Code 88) proposed 2/8/08 (32 Ill Reg 2074)

Repeal of "Waukegan Memorial Airport Zoning Regulations" (92 Ill Adm Code 92) proposed 2/8/08 (32 Ill Reg 2093)

Repeal of "Pal-Waukee Municipal Airport Hazard Zoning" (92 Ill Adm Code 96) proposed 2/8/08 (32 Ill Reg 2108)

"Business Logo Signing Program" (92 Ill Adm Code 542) proposed 2/8/08 (32 Ill Reg 2131)

"Roadside Memorials" (92 Ill Adm Code 549) proposed 2/8/08 (32 Ill Reg 2152)

DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

"Illinois Cares Rx Program" (89 Ill Adm Code 119) proposed 1/11/08 (32 Ill Reg 296)

"Medical Assistance Programs" (89 Ill Adm Code 120) proposed 2/8/08 (32 Ill Reg 1530)

"Medical Payment" (89 Ill Adm Code 140) proposed 2/8/08 (32 Ill Reg 1553)

"Long Term Care Reimbursement Changes" (89 Ill Adm Code 153) proposed 1/11/08 (32 Ill Reg 307)

ILLINOIS RACING BOARD

"Licensing" (11 Ill Adm Code 502) proposed 2/8/08 (32 Ill Reg 1758)

"Medication" (11 Ill Adm Code 603) proposed 2/8/08 (32 Ill Reg 1764)

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